

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMY WIGINTON, KRISTINE MORAN,
NORMA PLANK FETTLER, as Successor in
Interest to Dondi Plank, ANDREA COREY
and OLIVIA KNAPP, individually and on
behalf of all persons similarly situated,

Plaintiffs,

v.

CB RICHARD ELLIS, INC.,

Defendant.

Case No. 02 CV 6832

Judge Wayne R. Andersen

Magistrate Judge Martin C. Ashman

**JOINT MOTION FOR ENTRY OF A CORRECTED
PRELIMINARY APPROVAL ORDER**

Plaintiffs Amy Wiginton, Kristine Moran, Norma Plank Fethler, as Successor in Interest to Dondi Plank, Andrea Corey and Olivia Knapp (“Plaintiffs”), on behalf of themselves and the Settlement Class Members, together with Defendant CB Richard Ellis, Inc. (“Defendant” or “CBRE,” referred to collectively with Plaintiffs as “the Parties”), through their respective counsel, respectfully move this Court for entry of a Corrected Preliminary Approval Order (“Corrected Order”). In support thereof, the Parties state as follows:

1. On October 4, 2007, the Parties filed their Joint Motion for Certification of a Settlement Class, Preliminary Approval of Class Action Settlement Agreement, and Approval of Notice Plan (“Motion”) [Docket Nos. 315, 316]. The Court held a hearing and granted preliminary approval on the same day [Docket No. 319].

2. Since that time, the Parties have filled in various dates in the Settlement Agreement and its Exhibits that were previously left blank because they were contingent on the date Preliminary Approval was granted.

3. In addition, the Parties made certain other administrative changes to the documents, the need for which was discovered when trying to work out future dates and deadlines. For example:

- a. The Settlement Agreement did not say when CBRE's charitable donation was due, so the Parties inserted language that it is to be paid within 60 days of the Effective Date;
- b. The Parties located two discrete sentences in the Press Release and Settlement Agreement that were inadvertently left in the draft submitted the Court;
- c. The toll-free phone number for Rust Consulting was added and the address for submitting claims to Rust Consulting was updated; and
- d. An appendix listing the top schools for real estate education was inadvertently omitted from Exhibit G (which describes the charitable donation) and has since been attached.

4. Finally, Rust Consulting ("Rust"), the retained Claims Administrator, reviewed the Settlement Agreement and Exhibits and found certain discrepancies amongst the documents that the Parties have corrected. Those changes relate only to administrative issues and were only made to make the various settlement documents consistent with each other. Specifically, the Parties have corrected the following discrepancies:

- a. While the Settlement Agreement stated that all claims should be submitted directly to Rust, Exhibit B-1 (the Summary of Claim Standards) said that the claims should be sent to Class Counsel.

- b. While the Settlement Agreement said Request for Exclusion forms would be available from Rust, other documents said they would be included in the Notice to Class Members; and
- c. While the Settlement Agreement said that the Request for Exclusion forms should be mailed to Rust and then forwarded to Counsel, one paragraph of the Notice to Class Members said that the forms should be mailed directly to Class Counsel.

5. None of the changes made was substantive, changed the terms of the Settlement Agreement, or had any impact on the rights of Settlement Class Members or the Parties. The Preliminary Approval Order has been modestly revised only to reflect certain of these changes.

6. In order to maintain the preliminary approval date so that the remainder of the settlement administration dates will not change, the Parties respectfully request that this Court enter a Corrected Order reflecting these changes *nunc pro tunc* dated October 4, 2007.

7. A copy of the Corrected Consent Decree and Settlement Agreement, along with Exhibits A-G, is attached hereto as Exhibit 1.

WHEREFORE, the Parties respectfully move the Court, for good cause shown, to enter the attached Proposed Order Entering the Corrected Preliminary Approval Order *nunc pro tunc*, and all other relief that this Court deems just and proper.

Dated: October 24, 2007

Respectfully submitted,

CB RICHARD ELLIS, INC.,
Defendant

AMY WIGINTON, KRISTINE MORAN,
NORMA PLANK FETHLER as
Successor In Interest to Dondi Plank,
ANDREA COREY and OLIVIA KNAPP,
individually and on behalf of all persons
similarly situated,
Plaintiffs

By: /s/ Brenda H. Feis

Brenda H. Feis
Christopher J. DeGroff
Anne E. Duprey
Seyfarth Shaw LLP
131 S. Dearborn Street, Suite 2400
Chicago, IL 60603-5577
(312) 460-5000 – Telephone

By: /s/Kenneth A. Wexler

Kenneth A. Wexler
Jennifer Fountain Connolly
Amber M. Nesbitt
Wexler Toriseva Wallace LLP
55 W. Monroe Street, Suite 3300
Chicago, IL 60603
(312) 346-2222 – Telephone

Elizabeth A. Fegan
Hagens Berman Sobol Shapiro LLP
820 North Boulevard, Suite B
Oak Park, IL 60302
(708) 776-5600 – Telephone

Steve W. Berman
Nick Styant-Browne
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
(206) 623-7292 – Telephone

JoDee Favre
Favre Law Office, LLC
5005 W. Main Street
Belleville, IL 62226
(618) 257-8605 – Telephone

Daniel E. Gustafson
Karla M. Gluek
Rena Steiner
Gustafson Gluek PLLC
650 Northstar East
608 Second Avenue S.
Minneapolis, MN 55402
(612) 333-8844 – Telephone

CERTIFICATE OF SERVICE

I, Kenneth A. Wexler, hereby certify that a copy of the foregoing ***Joint Motion for Entry of a Corrected Preliminary Approval Order*** was electronically filed on October 24, 2007. Those attorneys who are registered with the Electronic Filing System may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's Electronic Filing System.

/s/ Kenneth A. Wexler
Kenneth A. Wexler
Wexler Toriseva Wallace LLP
55 W. Monroe Street, Suite 3300
Chicago, IL 60603
(312) 346-2222 – Telephone
(312) 346-0022 – Facsimile
kaw@wtwlaw.com